

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DOUGLAS C. STAFFORD,

Plaintiff,

v.

GENEXEL-SEIN, INC.
d.b.a. KOREA TECHNOLOGY
INDUSTRY CO., LTD,

Defendant.

ORDER

09-cv-621-bbc

Plaintiff Douglas C. Stafford filed this civil action on October 9, 2009, against defendant GenExel-Sein, a South Korean corporation. In an October 23, 2009 order, I told plaintiff that if he failed to submit proof of service of his complaint on defendant or explain his inability to do so by January 22, 2010, I would direct him to show cause why his case should not be dismissed for lack of prosecution. Plaintiff responded to that order by (1) saying that he mailed waiver of service forms to defendant but did not get a reply and (2) submitting an amended complaint that contained no new allegations but added Korea Technology Industry America, a Utah company that is presumably a subsidiary of GenExel-Sein, as a defendant. In a January 14, 2010 order, I asked plaintiff to explain why he added

Korea Technology Industry America as a defendant and how he planned on serving both defendants. Now plaintiff has responded, stating that he added Korea Technology Industry America for the sole purpose of serving it as a wholly owned subsidiary of GenExel-Sein pursuant under Fed. R. Civ. P. Rule 4(h)(1)(B) (service may be achieved by delivering copy of summons and complaint to agent of defendant) and Volkswagenwerk v. Schlunk, 486 U.S. 694 (1988) (service of foreign corporation achieved by serving domestic subsidiary). Plaintiff asks to withdraw his amended complaint so he can serve Korea Technology Industry America with the original complaint, and he seeks an extension of time to show diligence in obtaining service. I will grant plaintiff's requests. Plaintiff will have until March 5, 2010 to submit proof of service of his complaint on defendant or explain his inability to do so. If plaintiff fails to respond by this date, I will direct him to show cause why his case should not be dismissed for lack of prosecution.

ORDER

IT IS ORDERED that

1. Plaintiff Douglas C. Stafford's request to withdraw his amended complaint, dkt. #9, is GRANTED. Plaintiff's original complaint is the operative pleading in this case.
2. Plaintiff's motion for an extension of time to show diligence in obtaining service, dkt. #9, is GRANTED. Plaintiff will have until March 5, 2010 to submit proof of service

of his complaint on defendant or explain his inability to do so. If plaintiff fails to respond by this date, I will direct him to show cause why his case should not be dismissed for lack of prosecution.

Entered this 5th day of February, 2010.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge